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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,976	03/05/2002	Jurgen Filsinger	10537/180	3650
26646	7590	02/24/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			STAICOVICI, STEFAN	
		ART UNIT		PAPER NUMBER
				1732

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/980,976	FILSINGER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Stefan Staicovici	1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on March 5, 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/8/01</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because it is too long. The abstract should be within the range of 50 to 150 words Correction is required. See MPEP § 608.01(b).

### ***Drawings***

2. The drawings are objected to because the pointers to reference numbers 8, 10, 25 in Figure 1 are not clear. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hooper (US Patent No. 5,576,030).

Regarding claim 1, Hooper ('030) teaches the claimed process for making a fiber reinforced plastic composite including, providing a molding tool (12), arranging a fiber composite preform (20) onto said mold tool (12), arranging a resin distribution medium (24) (flow promoting device) onto said fiber composite preform (20), creating a first space by a gas permeable and resin impermeable layer (32), creating a second space by a gas and resin impermeable layer (37), sealing said gas and resin impermeable layer (37) to said mold tool (12), drawing a vacuum onto said second space and injecting a resin into said first space such that said resin is distributed uniformly by said resin distribution medium (24) and impregnating said fiber composite preform (20) in a vertical pattern (see col. 4, line 43 through col. 5, line 57).

In regard to claim 2, Hooper ('030) teaches the claimed apparatus for making a fiber reinforced plastic composite including, providing a molding tool (12) configured to arrange a fiber composite preform (20), a resin distribution medium (24) (flow promoting device), a gas permeable and resin impermeable layer (32) that forms a first space with said mold tool (12), a gas and resin impermeable layer (37) that forms a second space with said adjacent, gas permeable and resin impermeable layer (32), a vacuum source and a resin source such that upon drawing a vacuum onto said second space and injecting a resin into said first space said resin is distributed uniformly by said resin distribution medium (24) and impregnating said fiber composite preform (20) in a vertical pattern (see col. 4, line 43 through col. 5, line 57).

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Waldrop, III *et al.* (Pub. No. US 2002/0022422 A1).

Regarding claim 1, Waldrop, III *et al.* (Pub. No. US 2002/0022422 A1) teach the claimed process for making a fiber reinforced plastic composite including, providing a molding tool (50),

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arranging a fiber composite preform (51) onto said mold tool (50), arranging a resin distribution medium (60) (flow promoting device) onto said fiber composite preform (51), creating a first space by a gas permeable and resin impermeable layer (62), creating a second space by a gas and resin impermeable layer (64) with said adjacent, gas permeable and resin impermeable layer (62), sealing said gas and resin impermeable layer (64) to said mold tool (51), drawing a vacuum onto said second space and injecting a resin into said first space such that said resin is distributed uniformly by said resin distribution medium (60) and impregnating said fiber composite preform (51) in a vertical pattern (see paragraphs [0124]-[0125], [0133], [0143] and Figure 2).

In regard to claim 2, Hooper ('030) teaches the claimed apparatus for making a fiber reinforced plastic composite including, providing a molding tool (50) configured to arrange a fiber composite preform (51), a distribution medium (60), a gas permeable and resin impermeable layer (62) that forms a first space with said mold tool (51), a gas and resin impermeable layer (64) that forms a second space with said adjacent, gas permeable and resin impermeable layer (62), a vacuum source and a resin source such that upon drawing a vacuum onto said second space and injecting a resin into said first space said resin is distributed uniformly by said resin distribution medium (60) and impregnating said fiber composite preform (51) in a vertical pattern (see paragraphs [0124]-[0125], [0133], [0143] and Figure 2).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (571) 272-1208. The examiner can normally be reached on Monday-Friday 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni, can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stefan Staicovici, PhD

  
2/9/04

Primary Examiner

AU 1732

February 9, 2004